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| CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005 | | | | |
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| SEMBER, THOMAS M | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/593,954

Applicant(s)

ABDELSAMED, YASER S.

Examiner

Thomas M. Sember

Art Unit

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date 09/22/06 & 04/18/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

In applicant's claims there are two claims numbered as claim 7 and two claims numbered as claim 8. Therefore, misnumbered claims 1-20 have been renumbered 1-22.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by FR731324. FR731324 discloses a reflector 1 of the type formed by a transparent wall with a reflecting outer surface and a bottom flange 2, the improvement comprising means on said flange 2 for modifying the light trapped in said wall (see figure 1). Regarding claim 2, wherein said means comprises a refracting face on said flange 2 configured to receive said trapped light and redirect it away from nadir. (see figure 1,

light rays emitted from the lamp strikes a face of the flange 2 the light is redirected or deflected from a straight path so as to receive said trapped light and redirect it away from it lowest point).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-12, 15-16 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sitzema Jr. et al (U.S. Patent No. 6,575,601). Sitzema Jr. et al (U.S. Patent No. 6,575,601 discloses a reflector (108, 208, 100 and 200, 200A or 200B) of the type formed by a transparent wall (for example reflector/refractor 100 which includes flange 108 is made of transparent material, see for example column 4, lines 1-15 and reflector/refractor 200 which includes flange 208 is made of transparent material, see for example column 5, lines 56 to column 6, lines 1-8) with a reflecting outer surface 204 and a bottom flange (108 or 208), the improvement comprising means (flanges 108 and 208 are reflectors and refractors which modify light by refraction, reflection or by coloring the light, see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material, see also that reflector/refractor outer wall 200 which includes flange 208 is made of material having different refractive indexes, see for example column 5, lines 56-58) on said flange (108

or 208) for modifying the light trapped in said wall 100 and 200. Regarding claim 2, wherein said means (flanges 108 and 208 are reflectors and refractors, see also that reflector/refractor outer wall 200 which includes flange 208 is made of material having different refractive indexes, see for example column 5, lines 56-58) comprises a refracting face on said flange (108 and 208 see for example figures 3, 5 and 6) configured to receive said trapped light and redirect it away from nadir (see figures 3, 5 and 6). Regarding claim 3, wherein said means comprises a colored filter (see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material). Regarding claim 4, as broadly claimed, the transparent wall 100 includes an aperture (valleys formed in surface 102 shown in figures 4B or 7B) for admitting light into said wall 100. Regarding claim 5, Sitzema, Jr. et al discloses a reflector (108, 208, 100 and 200, 200A or 200B) comprising a shaped wall having opposed inner 100 and outer surfaces 200 and extending about a longitudinal axis, said wall having an upper end and a lower end (see for example figures 3 and 5-6) and a plurality of reflecting elements (for example 602) formed on said outer surface 200 arranged to reflect light entering said wall from said inner surface 100 toward an exit aperture formed by an end portion (108 and 208) of said wall, and means (106 and 206) for mounting said reflector (108, 208, 100 and 200, 200A or 200B) such that said longitudinal axis is essentially vertical, wherein at least part of said end portion (108 and 208) is configured to receive light rays in said wall as incident light and to refract said light rays away from said longitudinal axis (flanges 108 and 208 are reflectors and refractors which modify light by refraction, reflection or by coloring the light, see column

5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material, see also that reflector/refractor outer wall 200 which includes flange 208 is made of material having different refractive indexes, see for example column 5, lines 56-58). Regarding claim 6, the at least part of said end portion is a refracting planar face oriented at a non-zero angle with respect to the horizontal (see figures 3 and 5-6). Regarding claim 9, the at least part of said end portion (108 and 208 is a curved face (see figures 3 and 5-6). Regarding claim 10, the at least part of said end portion is a stepped face (as broadly claimed, the angled surface of flange 108 and 208 of figures 3 and 5-6 is a stepped surface). Regarding claim 11, same as described in claim 5, further including at least part of said end portion (108 and 208) of reflector 4 receives light rays in said wall as incident light and modifies the color or intensity of said light rays (flanges 108 and 208 are reflectors and refractors which modify light by refraction, reflection or by coloring the light, see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material, see also that reflector/refractor outer wall 200 which includes flange 208 is made of material having different refractive indexes, see for example column 5, lines 56-58). Regarding claim 12, the end portion comprises a colored filter (flanges 108 and 208 are reflectors and refractors which modify light by refraction, reflection or by coloring the light, see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material, see also that reflector/refractor outer wall 200 which includes flange 208 is made of material having different refractive indexes, see for example column 5, lines 56-58). Regarding claim

15, wherein said end portion (108 and 208) is further configured to receive light rays in said wall as incident light and to refract said light rays away from said longitudinal axis (flanges 108 and 208 are reflectors and refractors which modify light by refraction, reflection or by coloring the light, see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material, see also that reflector/refractor outer wall 200 which includes flange 208 is made of material having different refractive indexes, see for example column 5, lines 56-58). Regarding claim 16, wherein said at least part of said end portion (108 and 208) is a refracting planar face (see figures 3 and 5-6) oriented at a non-zero angle with respect to the horizontal. Regarding claim 19, wherein said at least part of said end portion (108 and 208) is a curved face (see figures 3 and 5-6). Regarding claim 20, wherein said at least part of said end portion (108 and 208) is a stepped face (as broadly claimed, the angled surface of flange 108 and 208 of figures 3 and 5-6 is a stepped surface). Regarding claim 21, as broadly claimed, the transparent wall 100 includes an aperture (valleys formed in surface 102 shown in figures 4B or 7B) for admitting light into said wall 100. Regarding claim 22, wherein said aperture valleys formed in surface 102 shown in figures 4B or 7B) comprises a portion of said wall oriented with respect to the adjacent inner surface 100 to direct rays into said wall.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitzema Jr. et al (U.S. Patent No. 6,575,601). Sitzema Jr. et al (U.S. Patent No. 6,575,601) discloses the claimed invention except for the teaching that the non-zero angle of the end portion's planar face is from about 15 to about 35 degrees (claims 7 and 17) or the non-zero angle is about 25 degrees (claims 8 and 18). It would have been obvious to one skilled in the art at the time the invention was made to modify the end portion planar face of Sitzema Jr. et al (U.S. Patent No. 6,575,601) to be from about 15 to about 35 degrees (claims 7 and 17) or the non-zero angle is about 25 degrees (claims 8 and 18) since such modifications would have been obvious engineering design choices to one having ordinary skill in the illumination and optics art for providing the desired light distribution. Furthermore, it would have been obvious to one skilled in the art at the time the invention was made to modify the reflector flange of Sitzema Jr. et al (U.S. Patent No. 6,575,601) to meet applicant's claimed planar face angles, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitzema, Jr. et al '601 in view of Csanyi et al '318. Sitzema, Jr. et al '601 discloses the claimed invention except for the teaching that the colored filter is a film attached to said shaped wall. Sitzema, Jr. et al '601 discloses that a reflector can be made as a colored filter itself (see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material). Csanyi et al '318 teaches making a colored lighting device by applying a layer of paint or film (4-8) on a transparent reflector's 1 (see column 2, lines 33-39) shaped wall (see figure 1). It would have been obvious to one skilled in the art at the time the invention was made to modify the shaped wall of the reflector of Sitzema, Jr. et al '601 to include a layer of paint or film (4-8) as taught by Csanyi et al '318 in order to provide an efficient lighting device which emits colored light.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitzema Jr. et al (U.S. Patent No. 6,575,601) in view of Csanyi et al '318. Sitzema Jr. et al (U.S. Patent No. 6,575,601) discloses the claimed invention except for the teaching that the reflector's end portion includes a layer of paint. Sitzema, Jr. et al '601 discloses that a reflector can be made as a colored filter itself (see column 5, lines 56+, where Sitzema, Jr. et al teaches that reflector/refractor outer wall 200 can be made of colored material). Csanyi et al '318 teaches making a colored lighting device by applying a layer of paint or film (4-8) on a transparent reflector's 1 (see column 2, lines 33-39) shaped wall (see figure 1). It would have been obvious to one skilled in the art at the time the invention was made to modify the end portion 21 of Sitzema Jr. et al to include a layer of paint or film (4-8) as taught by Csanyi et al '318 in order to provide an efficient lighting device which emits colored light.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Osteen '445 and Barnes et al '606 disclose lighting assemblies which are similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 9 a.m. - 5.30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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